In the High Court of Punjab and Haryana at Chandigarh.

Civil Writ Petition No.10268 of 2005.
Date of decision:15.11.2007.

Ramesh Kumar.

...Petitioner.

Versus

State Bank of India and others.

...Respondents.

...

Coram: Hon'ble Mr.Justice Satish Kumar Mittal.

Hon'ble Mr. Justice K. C. Puri.

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Present; Ms. Anu Chatrath Advocate for the petitioner.

Mr. Balram Gupta, Senior Advocate with Mr. I.P.S.Doabia Advocate for respondent Nos.1and 2.

Mr. Tarundeep Kumar Advocate for Mr.D.C.Mittal Advocate for respondent No.3.

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K. C. Puri, J.

Judgment.

The petitioner has filed this petition under Article 226 of the Constitution of India for quashing order dated 31.5.2005 vide which he has been transferred from Batala to Dasuya Branch permanently.

It is pleaded that the petitioner is a permanent resident of Batala and was appointed in the State Bank of India, Quadian Branch on 13.2.1985 on compassionate ground after the death of his father. As per Career Progression Scheme, the petitioner was promoted to the post of Senior Assistant after completing 17 years of service in clerical cadre in April, 2002 and was transferred from Quadian to Batala in July, 2002. The

petitioner performed his duty to the entire satisfaction of the authorities. One Mr. K.L.Gupta, Senior Assistant was working at Batala. He was transferred to Quadian Branch under Career Progression Scheme on his promotion from the post of Senior Assistant to the post of Special Assistant in March, 2004. Said K.L.Gupta wanted to become Unit Secretary of the State Bank of India,Batala Branch. The Assistant General Manager,Batala vide order dated 31.5.2005 transferred the petitioner from Batala Branch to Dasuya Branch permanently. As per guidelines of the State Bank of India,issued vide letter dated 21.2.2005 in respect of transfer policy, the petitioner could not be transferred from Batala to Dasuya. The transfer/re-deployment could be done under the said guidelines. The workmen having longer stay are required to be transferred. The transfer of petitioner from Batala to Dasuya is against the guidelines and is liable to be struck down.

Respondent Nos.1and 2 filed joint written statement denying the allegations made in the petition and pleading that the conduct of the petitioner with the customers was not up to the mark and many complaints, as detailed in the written reply, have been received against the petitioner. The petitioner has been transferred on account of various complaints against him.

Respondent No.3 filed written reply taking the plea that he was transferred on the basis of mutual consent with one Prem Singh and his transfer has nothing to do with the transfer of the petitioner.

We have heard both sides and have gone through the record of the case.

The counsel for the parties have addressed arguments on the

lines of their pleadings. The learned counsel for the petitioner has relied upon the authority reported in Civil Writ Petition No.7425 of 2006 **Kuldip Sharma Versus State Bank of Patiala and others,** decided on 10.8.2006 and on the strength of the same, it is argued that mere pendency of some complaints is not a reason for transfer whereas counsel for respondent No.1 has relied upon authority reported as **Union of India Versus Janardhan Debanath and another,** 2004 (2) Recent Services Judgments 180. The Banking industry is fastly growing in these days and there is cut throat competition in the industry. Only that Bank could survive which provides good service to the customers. No customer would like the discourteous behaviour at the hands of Bank employee. If there is any such employee, he should be transferred to another station. There are various complaints against the petitioner, as detailed in the written reply which are prior to the order of transfer. The Hon'ble Apex Court in the authority reported as **Union of India and others** (supra) has held that an employee can be transferred on the exigencies of administration or to enforce decorum in the institution. It has been further held that holding of an elaborate enquiry regarding the charges against an employee should not be insisted upon, otherwise it would frustrate the very purpose of transferring an employee in public interest.

So far as authority reported as **Kuldip Sharma** (supra) is concerned, the same cannot be applied in view of Apex Court authority, referred to above.

The transfer of an employee on the allegations of discourteous to the customers of the Bank is within the domain of the Bank authorities and the Writ Court should not interfere in such circumstances.

Consequently, this writ petition is dismissed.

(K. C. Puri)
Judge

November 15,2007. (Satish Kumar Mittal)
Jaggi Judge